REMARKS

These Remarks are in reply to the Office Action mailed February 9, 2004 in the above-identified patent application.

I. Summary of the Examiner's Rejections

Claims 24-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,112,186 to Bergh et al. ("Bergh") in view of U.S. Patent No. 6,289,348 to Richard et al. ("Richard"). Applicants respectfully traverse the rejection of claims 24-26.

Applicants will address the cited references and relevant rejections below.

II. Amendments to the Claims

As set forth in the amendments above, claims 24, 32, and 36 have been amended. In addition to other amendments, the term "sports" has been inserted into the body of independent claim 24. It will be appreciated that, as amended, the term "sports" appears in both the preamble and the body of independent claim 24.

III. Independent Claim 24

Applicants respectfully traverse the rejection of independent claim 24 on the grounds that the Bergh and Richard references fail to disclose, teach, or suggest every element of claim 24.

As set forth above, claim 24 is directed toward "a method for organizing a web site structure related to an organized sports league." Claim 24 calls for, *inter alia*, "providing a first personalized home page for said at least one registered team member . . . providing a second personalized home page for said at least one first team . . . providing a third personalized home page dedicated to said at least one second team . . . providing said at least one registered team member . . . access to said home pages of said first and second teams . . . and empowering said team member to selectively control access to said home page of said member."

Applicants respectfully submit that, when properly understood, the cited references relied upon by the Office Action fail to provide the combination of elements of claim 24 recited above.

A.   The Bergh Reference

The Bergh reference "relates to a system which collects a number of subjective ratings given to items by users." Bergh, col. 2, lines 9-10. The Bergh system "includes memory elements for storing item profiles and user profiles. The data contained in those profiles is used to calculate a number of similarity factors representing how closely the preferences of one user correlate with another." Bergh, Abstract, lines 2-6.

The reference identifies that "[e]ach user profile associates items with the ratings given to those items by the user . . . User profiles can be any data construct that facilitates these associations, such as an array, although it is preferred to provide user profiles as sparse vectors of n-tuples. Each n-tuple contains at least an identifier representing the rated item and an identifier representing the rating that the user gave to the item, and may include any number of additional pieces of information regarding the item, the rating, or both." Bergh, col. 3, lines 48-61.

Although Bergh states that "[e]ach user profile may also store information in addition to the user's rating," it is evident that such information is not identified as sports-related information. Bergh, col. 3, lines 49-50. Specifically, Bergh states that the user profile can store "information about the user, e.g. name, address, or age" and that "[i]n another embodiment, the user profile stores information about the rating, such as the time and date the user entered the rating for the item." Bergh, col. 3, lines 51-54. "Some of the additional pieces of information stored in a user profile may be calculated based on other information in the profile, for example, an average rating for a particular selection of items (e.g., heavy metal albums) may be calculated and stored in the user's profile." Bergh, col. 3, lines 62-66.

The Bergh reference further identifies that "[p]rofiles for each item that has been rated by at least one user may also be stored in memory. Each item profile records how particular users have rated this particular item. Any data construct that associates ratings given to the item with the user assigning the rating can be used. It is preferred is to provide item profiles as a sparse vector of n-tuples. Each n-tuple contains at least an identifier

representing a particular user and an identifier representing the rating that user gave to the item, and it may contain other information, as described above in connection with user profiles. As with user profiles, item profiles may also be stored as an array of pointers." Bergh, col. 5, lines 1-12.

In view of the descriptions of the Bergh "user profiles" and "item profiles" set forth above, it is clear that such profiles do not constitute a "personalized home page" for a "sports team member," for a "first sports team," or for a "second sports team" as called for by Applicants' claim 24. Rather, the "profiles" provided by Bergh are apparently "data constructs" that associate items with user ratings. As such, the Office Action's apparent reliance on the "user profiles" or "item profiles" of Bergh to teach the personalized home pages claimed by Applicants is misplaced.

Turning now to the specific arguments raised by the Office Action, the Examiner alleges that "Bergh teaches a information filtering based in users' relations in a communication network via home pages." Office Action, page 2, ¶ 3. However, the portion of the Bergh reference relied upon to support this assertion states that "[t]he server 40 is an apparatus as shown in FIG. 4, and it is preferred that server 40 displays a World Wide Web Page when accessed by a user via Internet 42." Bergh, col. 26, lines 44-47. As such, Applicants respectfully submit that no discussion of "information filtering based in users' relations in a communication network via home pages" is provided by the cited portion of Bergh.

The Office Action also asserts that "Bergh teaches a first personalized home page personal to the user." Office Action, page 2, ¶ 3. To support this argument, the Office Action relies upon col. 3, lines 23-31 of Bergh. In this regard, Bergh identifies that "[a] plurality of user profiles is stored in a memory element" and that "[o]ne profile may be created for each user or multiple profiles may be created for a user to represent that user over multiple domains. Alternatively, a user may be represented in one domain by multiple profiles where each profile represents the proclivities of a user in a given set of circumstances." Bergh, col. 3, lines 25-31. However, as discussed above, the user profiles of Bergh are apparently "data constructs" that associate items with user ratings. As such, they

7

do not constitute a "personalized home page" for a "sports team member," a "first sports team," or a "second sports team" as called for by Applicants' claim 24.

With regard to the "team" allegedly taught by Bergh, the Office Action relies upon a portion of the reference that states: "a profile may be created which represents a woman and her husband for the purpose of selecting movies." Bergh, col. 3, lines 37-39. Nevertheless, it is evident that to the extent that a user profile of Bergh may represent more than one user, Bergh does not disclose the use of such profiles for sports teams. The Office Action apparently concedes this point by stating: "Bergh teaches the invention in [claim 24] except for explicitly teaching its application to an organized sports league." Office Action, page 2, ¶ 3.

The Office Action further asserts that "Bergh teaches a team's page . . . [and] a second team's page." Office Action, page 2, ¶ 3. Applicants respectfully traverse this assertion. The portions of Bergh relied upon by the Office Action in support of this argument fail to provide the personalized home pages contemplated by independent claim 24. Specifically, col. 3, lines 41-44 of Bergh identifies that the Bergh specification uses "the term 'user' to refer to single users . . . as well as 'composite users.' " Again, to the extent that a user profile of Bergh may represent more than one user, Bergh does not disclose the use of such profiles for sports teams.

With regard to the "schedules" alleged to be provided by Bergh (see Office Action, page 2, ¶ 3), the portions of the reference relied upon by the Office Action to teach such features fail to provide schedules regarding a sports team as contemplated by independent claim 24. The Office Action seeks to rely on col. 3, lines 31-36 of Bergh which identifies that "a user that avoids seafood restaurants on Fridays, but not on other days of the week, could have one profile representing the user's restaurant preferences from Saturday through Thursday, and a second profile representing the user's restaurant preferences on Fridays." Applicants respectfully submit that, when properly understood in the context of Bergh, the above-cited language apparently refers to the possibility of a user having more than one user profile. It does not refer to schedules regarding a sports team that are imparted through a personalized home page as called for by claim 24. This distinction is evident from the explanation provided earlier in the same paragraph of the Bergh reference: "[o]ne profile

8

may be created for each user or multiple profiles may be created for a user to represent that user over multiple domains. Alternatively, a user may be represented in one domain by multiple profiles where each profile represents the proclivities of a user in a given set of circumstances." Bergh, col. 3, lines 26-31.

The Office Action further asserts that "Bergh teaches access levels between members." Office Action, page 2, ¶ 3. In support of this argument, the Office Action relies upon several portions of the Bergh reference. In particular, col. 31, lines 49-54 of Bergh states: "It is desirable to provide users with an ability to control the entities to which the central server 70 will transmit data about that user. It is further desirable to allow the users to select certain types of information which should not be transmitted e.g., a user may wish to have preference data transmitted but not demographic data." In addition, col. 31, lines 59-67 of Bergh states: "In this embodiment, the server 70 is required to access two tables to determine if data may be sent to the central server 70. Regardless of whether one table or multiple tables are used, when the server 70 receives a request for user data it queries the table to determine if data should be sent. The table or tables may be populated with bytes or bits which act as flags enabling or disabling transmission of data from the central server 70."

Nevertheless, Applicants respectfully submit that the above-cited portions of Bergh fail to provide for "empowering said team member to selectively control access to said home page of said member" as set forth in independent claim 24. Specifically, the above-cited portions of Bergh apparently refer to "preference data" and "demographic data" but do not refer to controlling access to a home page of a sports team member. As such, Bergh cannot be fairly relied upon to disclose, teach, or suggest the above-recited elements of Applicants' claim 24.

B.   The Richard Reference

The Office Action concedes that the Bergh reference fails to teach an "application to an organized sports league." Office Action, page 2, ¶ 3. In this regard, the Office Action attempts to rely upon the Richard reference.

As a preliminary matter, Applicants respectfully submit that the Bergh reference cannot be properly combined with the Richard reference to teach elements of Applicants' independent claim 24. When combining references, the teaching or suggestion to make the

claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (MPEP § 706.02(j)). Applicants respectfully submit that the combination of the Bergh reference and the Richard reference fails to meet the above-identified criteria.

When arguing in favor of combining the references, the Office Action alleges: "In that Bergh operates to organize related data, the artisan would have looked to the data server arts for details of implementing organized sports team data." Office Action, page 2, ¶ 3. Applicants respectfully submit that this argument presented by the Office Action relies on impermissible hindsight. As understood, Bergh provides no mention of sports team data or any attempt to organize the same. As such, Applicants respectfully submit that an artisan in possession of the teachings of Bergh would not look for "details of implementing organized sports team data" as alleged by the Office Action, without relying on Applicants' disclosure. Accordingly, Applicants respectfully submit that the combination of the Bergh and Richard references is arrived at through disfavored hindsight.

Assuming that the combination of the two cited references is proper (which Applicants traverse), Applicants respectfully submit that the Richard reference also fails to disclose, teach, or suggest the various personalized home pages and selective control called for by Applicants' independent claim 24.

The Richard reference is apparently directed to "an organizational network computer system which allows many individuals to electronically register over a computer network as members of the organization." Richard, col. 2, lines 20-23. The reference states that "[b]y way of example, the invention is described through the registration and organization of a sports league." Richard, col. 2, lines 26-27. A host server "receives registration information from remote users" and the information is typically input to the host server "through a web page associated with the organization." Richard, col. 4, lines 40-43. The host server "provides information about the league to the remote users through the web page." Richard, col. 4, lines 44-45.

In this regard, it is apparent that although the Richard reference alludes to various "league information" provided through a web page (see Richard, col. 4, lines 44-50) and the

10

ability to input registration information through an organization web page (see Richard, col. 4, lines 60-61), the reference still fails to teach a "personalized home page" for a "sports team member," for a "first sports team," or for a "second sports team" as called for by Applicants' claim 24.

The Richard reference also fails to teach the elements of "empowering said team member to selectively control access to said home page of said member" as called for by Applicants' claim 24. The Office Action alludes to a portion of the Richard reference that identifies remote user terminals that "allow remote users to access computer programs and databases which are controlled by the host server 100 through the network 110." See Office Action, page 3, ¶ 1, citing Richard, col. 4, lines 1-2. Nevertheless, it is evident from the context of the Richard reference that the cited language does not refer to selectively controlling the access to a home page of a sports team member. Rather, the cited portion of the Richard reference is apparently directed to a computer networking system that "includes a host server 100 connected to a network 110 and several remote user terminals." Richard, col. 3, lines 57-59. The system is further described in relation to a system administrator that "can enter control parameters and commands directly to the host server 100" and "is distinguished from the remote users in that the system administrator 160 has greater priority in accessing and modifying information within the databases of the computer networking system." Richard, col. 3, lines 59-67.

Applicants respectfully submit that the general descriptions of a system administrator and computer networking system provided by the above-cited portions of the Richard reference fail to teach the elements of "empowering said team member to selectively control access to said home page of said member" as called for by Applicants' claim 24.

C.   The Rejection of Independent Claim 24 Should be Withdrawn

In view of the foregoing, Applicants respectfully submit that the Bergh and Richard references, both separately and in combination, fail to disclose, teach, or suggest all elements of Applicants' claim 24. Accordingly, Applicants request that the rejection of independent claim 24 under 35 U.S.C. § 103(a) be withdrawn.

IV.   Dependent Claims 25-36

Applicants respectfully traverse the rejection of dependent claims 25-36. Each of dependent claims 25-36 ultimately depends from and further limits independent claim 24. Accordingly, claims 25-31 should be patentable for at least the reasons given above for the patentability of claim 24. Therefore, Applicants request that the rejection of dependent claims 25-36 under 35 U.S.C. § 103(a) be withdrawn.

V.   Conclusion

In view of the above Amendments and Remarks, Applicants respectfully submit that all outstanding rejections in the above-identified patent application have been overcome. Accordingly, Applicants request reconsideration of presently pending claims 24-36.
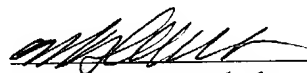
Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account Number 19-4330 for any matter in connection with this communication which may be required.

Respectfully submitted,

Date: 7/8/04   By: _____

Customer No.: 007663   Matthew A. Newboles
                                     Registration No. 36,224
                                     STETINA BRUNDA GARRED & BRUCKER
                                     75 Enterprise, Suite 250
                                     Aliso Viejo, California 92656
                                     Telephone: (949) 855-1246
                                     Fax: (949) 855-6371